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# **United States District Court Central District of California**

UNITED STA	ATES OF AMERICA vs.	Docket No.	CR08-1311-SVW				
<b>Defendant</b> akas:	Edgar Avila-Najera	Social Security No. (Last 4 digits)	UNKNOWN				
JUDGMENT AND PROBATION/COMMITMENT ORDER							
In the presence of the attorney for the government, the defendant appeared in person on this date.    MONTH   DAY   YEAR   02   23   2009							
COUNSEL	X WITH COUNSEL	Yasmin M. C	Cader, DFPD				
	. <u></u>	(Name of	Counsel				
PLEA	<b>X GUILTY</b> , and the court being satisfied that there is	s a factual basis for the	e plea. NOLO NOT CONTENDERE GUILTY				
FINDING	There being a finding/verdict of <b>X GUILTY</b> , defen	dant has been convict	ted as charged of the offense(s) of:				
Illegal Alien Found in the United States Following Deportation in violation of 8 USC 1326(a), (b)(2) as charged in the Single-Count Informaion							
JUDGMENT AND PROB/ COMM ORDER	The Court asked whether there was any reason why jucontrary was shown, or appeared to the Court, the Court Pursuant to the Sentencing Reform Act of 1984, it is to custody of the Bureau of Prisons to be imprisoned for a	t adjudged the defendation the judgment of the Co	ant guilty as charged and convicted and ordered that Court that the defendant is hereby committed to the				

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years under the following terms and conditions:

- 1. The defendant shall comply with the rules and regulations of the U. S. Probation Office and General Order 318;
- 2. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer;
- 3. During the period of community supervision the defendant shall pay the special assessment in accordance with this judgment's orders pertaining to such payment;
- 4. The defendant shall comply with the immigration rules and regulations of the United States, and if deported from this country, either voluntarily or involuntarily, not reenter the United States illegally. The defendant is not required to report to the Probation Office while residing outside of the United States; however, within 72 hours of release from any custody or any reentry to the United States during the period of Court-ordered supervision, the defendant shall report for instructions to the United States Probation Office, located at the United States Court House, 312 North Spring Street, Room 600, Los Angeles, California 90012; and
  - 5. The defendant shall cooperate in the collection of a DNA sample from the defendant.

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It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately.

All fines are waived as it is found that the defendant does not have the ability to pay.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

March 5, 2009	Stephen ! Silon
Date	STEPHEN V. WILSON, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

March 9, 2009	By	/s/
Filed Date		Paul M. Cruz, Deputy Clerk

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

### STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

- 1. The defendant shall not commit another Federal, state or local crime;
- 2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
- the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
- the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;

- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
- 15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
- 16. and, <u>for felony cases only</u>: not possess a firearm, destructive device, or any other dangerous weapon.

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set	forth below).
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#### STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth  $(15^{th})$  day after the date of the judgment pursuant to 18 U.S.C. \$3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. \$3612(g). Interest and penalties pertaining to restitution , however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

- 1. Special assessments pursuant to 18 U.S.C. §3013;
- 2. Restitution, in this sequence:

Private victims (individual and corporate), Providers of compensation to private victims, The United States as victim;

- 3. Fine:
- 4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
- 5. Other penalties and costs.

#### SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

**RETURN** 

I have executed the within Judgment and Commitment as follows:

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Defendant delivered on		to						
Defendant noted on appeal on								
Defendant released on	-							
Mandate issued on								
Defendant's appeal determined on								
Defendant delivered on		to						
at								
the institution designated by the Bur	eau of Prisons, with a certified	copy of the within	Judgment and Commitment.					
United States Marshal								
	Ву							
Date	Deputy	Marshal						
CERTIFICATE								
I hereby attest and certify this date that the legal custody.	ne foregoing document is a full,	true and correct c	opy of the original on file in my office, and in my					
Clerk, U.S. District Court								
	Ву							
Filed Date	Deputy	Clerk						
	FOR U.S. PROBATION	OFFICE USE O	NLY					
Upon a finding of violation of probation or supervision, and/or (3) modify the condition	r supervised release, I understar	nd that the court m	ay (1) revoke supervision, (2) extend the term of					
These conditions have been read	to me. I fully understand the co	onditions and have	been provided a copy of them.					
(Signed)								
Defendant	_	Date						
U. S. Probation Officer/I	Designated Witness	Date						